

Attachment A

The State should resubmit the waiver application using the 6/95 approved waiver template document and the 1996 updated Appendix C. The comments and issues raised below relate to the State's use of the outdated waiver template document. If the State resubmits the application and responds to the previous comments using the 6/95 approved waiver document and 1996 updated Appendix C, disregard Attachment A. If the State does not resubmit the waiver application in the currently approved format, respond to the comments and questions in Attachment A.

Executive Summary

1. #7.u – The 6/95 version of the streamlined waiver format contains item u. – “services provided to individuals with chronic mental illness”. (one of the target populations)
2. #15.b. – The statement reads “... reasonable indication that individuals might need such services in the near future...” Current CMS policy requires additional text which reads “(one month or less)...” be included in this statement.
3. #15.c., f. and g. - These items do not contain some of the text contained in 6/95 version of the streamlined waiver format.
4. #16. – This item does not contain some of the text contained in the 6/95 version of the streamlined waiver format.
5. The 6/95 streamlined waiver format contains item g. which reads “Absent the waiver, persons served in the waiver would receive the appropriate type of Medicaid funded institutional care that they require, as indicated in item 2 of this request. Please include this language in the Executive Summary portion of the application.

Appendix B-1, Services and Standards

6. Pre-vocational Services, Item g. – The text reads “... of the Education of the Handicapped Act” Delaware should correct to read “...of the Individuals with Disabilities Education Act”. Also, delete text at bottom of page that refers to deinstitutionalized individuals. The same text on the next two pages numbered #2 that refers to deinstitutionalized individuals should also be deleted.

Appendix C - Eligibility

7. Delaware did not use the most recent version of Appendix C that was sent out under cover of a State Medicaid Director letter dated 12/23/96. This new version of Appendix C should be used because it contains new policy and statutory requirements and it interfaces with the Executive Summary portion of the waiver application.

Appendix C-1

8. Item 6.b. – This item provides a check off list of the “categories of individuals included under 42 CFR 435.217.” This information is no longer included in Appendix C. Targeting criteria is included in item 4. of the Executive Summary of the current streamlined waiver application. We would note, however, that the State has checked item 1., children under age 18, 19, 20 or 21, and has included the following language under this item: “Waiver services are administered by different Divisions within DHSS. Under program eligibility, Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) does not offer services to children under 18 years of age.” We are unclear regarding this statement. Since the State indicates that these individuals are included under this waiver, how will they receive waiver services? The State should explain its intent.

Appendix C-3

9. Item I.b. – The State indicates that the 1924 post-eligibility deductions in the approved State plan are used for individuals whose eligibility is determined using 1924 spousal impoverishment eligibility rules. The most recent version of Appendix C contains CMS revised policy with respect to spousal post eligibility. We believe that, unlike institutionalized individuals whose room and board are covered by Medicaid, the personal needs of the home and community-based services recipient must include a reasonable amount for food and shelter as well as clothing. The institutional personal needs allowance (PNA) is not a sufficient amount for these needs when the individual is living in the community. Therefore, States which elect to treat home and community-based waiver participants with community spouses under the 1924 spousal impoverishment post-eligibility rules must use as the personal needs allowance either the maintenance amount which the State has elected under 42 CFR 435.726 or 42 CFR 435.735, or an amount that the State can demonstrate is a reasonable amount to cover the individual’s maintenance needs in the community.

Appendix C-4

10. Appendix C-4 is no longer a part of Appendix C. Appendix C-4 describes the additional targeting criteria under 1902(a)(10)(B) of the Social Security Act. Additional targeting criteria should be included under Item 4. of the Executive Summary.

Appendix D-3

11. D-3, Item b.1 – The text reads “... same as for the institutioned applicants for recipients”. Delaware needs to correct to include appropriate language.

Appendix F1 – Audit Trail

12. The 6/95 streamlined waiver application includes a page with Item c., “Payment Arrangements” This information is necessary to see how payment is made to providers.

